

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14951, of the Coalition for the Homeless, Inc., as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sections 305, 305.7 and 332.1(a) to allow an emergency shelter and to approve more than one community based residential facility in a square or within 500 feet, a variance from the allowable percentage of lot occupancy requirements (Sub-section 403.2), a variance from the minimum rear yard requirements (Sub-section 404.1), a variance from the width of an open court requirements (Sub-section 406.1), and a variance to allow an existing nonconforming structure [Paragraphs 2001.3(a), (b) and (c)] for a proposed addition of a secondary stair to an emergency shelter for fifteen homeless men in an R-4 District at premises 87 New York Avenue, N.W., (Square 618, Lot 62).

HEARING DATES: November 30 and December 14, 1988
DECISION DATE: January 4, 1989

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 5-0 (Charles R. Norris, John G. Parsons, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: February 23, 1989

ORDER

The Board granted the application subject to nine conditions by its Final Order, dated February 23, 1989. By letter dated March 21, 1989, Hanover Task Force, a party in opposition to the application, requested the Board to waive the provisions of 11 DCMR 3332.2 and accept its motion for reconsideration of the Board's decision in the case in excess of ten days of the filing and service of the written order of the Board. The Board granted the request to waive its Rules and received the motion for reconsideration, dated March 25, 1989, into the record at its public meeting of April 5, 1989.

The motion for reconsideration alleges that the Board's decision is in error in that the Board found that there was one community based residential facility for six youths approximately one block from the subject site. The motion lists several community residential facilities and social service facilities in the neighborhood. The Board notes

that 11 DCMR 305 relates to the establishment of a community residential facility where there is another property containing a community based residential facility for five or more persons within the same square or within 500 feet of the subject property. The additional facilities listed in the motion do not appear to violate that criteria. By letters dated March 24 and April 3, 1989, counsel for the applicant opposed the motion for reconsideration.

Upon review of the motion, responses thereto, the evidence of record and its final order, the Board concludes that it has committed no error in deciding the application. The Board concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature which the Board has not previously considered and addressed in its final order. The Board's decision was based on consideration of all the evidence presented by both the applicant and the opposition and is not arbitrary capricious or unlawful. Accordingly, it is ORDERED that the motion for reconsideration is DENIED.

DECISION DATE: April 5, 1989

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to waive the Rules; John G. Parsons to waive the Rules by proxy).

4-0 Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny the motion; John G. Parsons abstaining by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 12 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE

WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14951order/LJP48

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14951

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAY 12 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

MAY 12 1989

DATE: _____